

April 4, 2005

WILL KNEDLIK  
POST OFFICE BOX 99  
KIRKLAND WA 98083

Subject: Complaint filed against Bill Ptacek, Director, King County Rural Library  
District - PDC Case No. 05-125

Dear Mr. Knedlik:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received November 18, 2004 alleging that Bill Ptacek, Director, King County Rural Library District (King County Library System or KCLS) used the resources and facilities of KCLS to promote passage of Proposition #1 on the September 14, 2004 primary election ballot.

The statute implicated by the complaint filed in this matter is RCW 42.17.130, which prohibits use of public facilities to support or oppose campaigns. On July 29, 2002, the King County Superior Court entered a permanent injunction that affected PDC activities to enforce and educate the public about RCW 42.17.130. The case was *Washington Education Association v. PDC*. The PDC had produced guidelines discussing RCW 42.17.130. The WEA filed a lawsuit challenging the guidelines and raising constitutional claims concerning RCW 42.17.130. Despite the PDC's objections, the superior court ordered the PDC to remove the guidelines from its website, to not further disseminate the guidelines as written or disseminate similar information about RCW 42.17.130, and to not initiate or engage in enforcement activities based upon the guidelines as written or similar information. The PDC appealed to the State Supreme Court. On December 11, 2003, the State Supreme Court reversed the superior court. The Supreme Court issued a mandate to the superior court on January 5, 2004, which formally concluded the case. The PDC resumed its usual activities regarding RCW 42.17.130. One of those activities was to process complaints that had been pending or were received at the time the permanent injunction was in effect. The alleged actions of your allegations, that public facilities were used to promote a September 14, 2004 ballot measure, began during a time the injunction was in effect and when the constitutionality of the statute was being considered by the courts. In addition, the alleged actions of your allegations also began during a time the PDC would not have been available to answer questions or provide

guidance regarding that law, as it otherwise normally would have done. The alleged actions concluded, however, after the permanent injunction had been lifted.

PDC staff reviewed your complaint in light of the following statute:

**RCW 42.17.130** prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition.

You alleged that officials of KCLS made wrongful gifts of public property to fund its associated campaign operation, and wrongfully exploited the prestige of this state's judiciary by listing the title of two KCLS board members that are King County Superior Court Judges. Those allegations were dismissed by the Commission as part of a report made to them by PDC staff at the January 25, 2005 Commission meeting.

In addition, you also alleged that officials of KCLS produced and distributed publications that contained misstatements about Proposition #1 to misinform voters, and that KCLS officials misused public assets, facilities and personnel to promote Proposition #1. We found that:

- Following a failed February 2003 Capital Bond Measure, KCLS assessed its losing efforts and made a plan for its next bond measure which was held September 14, 2004. As part of that assessment, KCLS found that people did not believe they did a good job of explaining what they were requesting in the 2003 bond measure, why that bond measure was needed, how much the bond measure would cost, and how the proceeds from the bond measure would be spent.
- As a result of that feedback, KCLS, at the direction of Mr. Ptacek, developed a plan for providing the needed information to the public for the September 14, 2004 Capital Bond Measure. The plan, which KCLS began implementing one year before the election, became known as the Bond Election Steering Team (BEST) Strategic Plan, and consisted of three major components that included: 1) educating library users, staff and stakeholders on the value of KCLS; 2) conducting direct outreach to key communities and building a broader knowledge base among voting populations; and 3) conducting outreach to key local and regional media and serving as a resource to local media.
- The communication plan for sharing information with the public about the September 14, 2004 ballot proposition was similar in nature and size to many of its previous public information efforts concerning significant library system projects, such as its 2000 Library Card campaign, its 2002 Levy Lid Lift Election, and its 2002 Library Choices effort.
- KCLS implemented a much more comprehensive plan for its September 14, 2004 election than for its February 4, 2003 Capital Bond Measure that failed. The communication plan for the September 14, 2004 election included an extensive public information campaign.

- The plan was implemented at the direction of Mr. Ptacek and was designed to remind and convince residents of the District of the value of KCLS, why a capital bond measure was needed, and what it would pay for.
- As part of the Communication plan, Mr. Ptacek directed KCLS to develop and implement several communication tools that included: 1) an informational video shown to a variety of library user groups; 2) brochures that were handed out in libraries; 3) postcards that were mailed to residents of the KCLS; 4) bookmarks distributed to patrons of the libraries; 5) banners and copies of postcards for the libraries; 6) mouse pad inserts that were placed at computer workstations in libraries; 7) stickers given to library patrons, mostly children; 8) book bags for library patrons; 9) a website for anyone desiring additional information about the bond measure, and 10) the use of a consultant to shape message for KCLS publications.
- The cost for the video and the printed materials listed above for the 2004 Bond measure was \$123,933, which included the fees paid to a KCLS consultant. A portion of the consultant's work was for shaping and refining the KCLS long-term communication strategies with the public.
- The informational video was produced at a cost of \$11,500, and provided general information about the District, its resources and services, and showed people using the library system for a variety of purposes. The video included several positive testimonials with individual users explaining why the library was of value to them and included positive statements like, "*the KCLS provides taxpayers with an excellent return on investment*", and reminded listeners that if the bond measure is not approved, the funds for capital projects will come out of the operating budget which will severely impact staffing and services. The informational video provided a significant amount of information about the value of the library system, but only briefly addressed the relevant facts about the cost of the bond measure.
- The printed materials, including a brochure and postcard, contained pictures of children reading and described the library system stating, "*To meet community needs, maintain a strong Library System and plan appropriate facilities for the next decade, replacement funding is essential.*" The information in the printed materials stated the total bonds to be issued (\$172 million), described the cost of the bonds and said, "*This replacement bond would cost each household less than the bond currently in place — an average of \$25 per year, the cost of one book.*" The information left the reader with the impression that expiration of the current bonds is imminent, but failed to inform the readers that the current bonds expire in 2011 and that the new bonds will be repaid over a 20 year period.
- Voters passed the KCLS \$172 million Capital Bond Measure on September 14, 2004.

PDC staff believes there is evidence that Bill Ptacek, Director, King County Rural Library District, used resources and facilities of KCLS to promote passage of Proposition #1 on the 2004 primary election ballot in violation of RCW 42.17.130, by developing and

implementing several communication tools that taken as a whole, constituted a campaign to promote passage of the ballot measure. However, because this action began during a time the injunction was in effect and when no guidance was available from PDC staff, we will not be taking enforcement action in this instance. Mr. Ptacek will be cautioned that PDC staff believes his actions violated RCW 42.17.130, and that if he engages in similar actions in the future, enforcement action will likely be taken.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Public Disclosure Commission, I am dismissing your complaints against Bill Ptacek, Director, King County Rural Library District.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie  
Executive Director

c: Bill Ptacek, Director, King County Rural Library District